



*Council of the*  
**INSPECTORS GENERAL**  
*on INTEGRITY and EFFICIENCY*

MAR 30 2012

Mr. Jason Smathers  
MuckRock News  
DEPT MR 1033  
PO Box 55819  
Boston, Massachusetts 02205-5819

Subject: Log No. 6330-2012-18

Dear Mr. Smathers:

This letter responds to your January 20, 2012, Freedom of Information Act (FOIA) request to the Office of Government Ethics (OGE). On March 6, 2012, OGE referred 49 pages of records responsive to your request to the Council of the Inspectors General on Integrity and Efficiency (CIGIE) because CIGIE created these records. You requested a copy of all emails to or from Mr. Don W. Fox created between November 9, 2011, and November 16, 2011.

We are releasing 39 pages of responsive documents. A total of 10 pages have been withheld pursuant to 5 U.S.C. § 552(b)(6). We have enclosed a brief explanation of the FOIA exemptions.

You have the right to appeal CIGIE's response by writing to the Council of the Inspectors General on Integrity and Efficiency, 1717 H Street NW., Suite 825, Washington, D.C. 20006-3900. Your appeal must be received within 45 days of the date of this letter. The outside of the envelope should be clearly marked "FOIA APPEAL."

Sincerely,

Mark D. Jones  
Executive Director

Enclosures: Exemptions list/documents

## **FOIA EXEMPTIONS**

Exemption 2 (5 U.S.C. § 552(b)(2)): permits agencies to withhold documents which relate “solely to the internal personnel rules and practices of an agency.”

Exemption 3 (5 U.S.C. § 552(b)(3)): incorporates the disclosure prohibitions that are contained in various other federal statutes. Broadly phrased so as to simply cover information “specifically exempted from disclosure by statute.”

Exemption 4 (5 U.S.C. § 552(b)(4)): allows Federal agencies the discretion to withhold “... trade secrets and commercial or financial information obtained from a person [that is] privileged or confidential...” the release of which could be competitively harmful to the submitter of the information; which could impair the government’s ability to obtain similar necessary information in a purely voluntary manner in the future; and, which could affect other governmental interests, such as program effectiveness and compliance.

Exemption 5 (5 U.S.C. § 552(b)(5)): allows the agency the discretion to withhold “...inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency.” The purpose of this exemption is to protect the deliberative process by encouraging a frank exchange of views. In addition, this exemption protects from disclosure attorney-work product and attorney-client materials.

Exemption 6 (5 U.S.C. § 552(b)(6)): allows Federal agencies the discretion to withhold information the disclosure of which would “...constitute a clearly unwarranted invasion...” of individual privacy and might adversely affect the individual and his/her family.

Exemption 7 (5 U.S.C. § 552(b)(7)): protects from disclosure “records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information

- (A) could reasonably be expected to interfere with enforcement proceedings,
- (B) would deprive a person of a right to a fair trial or an impartial adjudication,
- (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy,
- (D) could reasonably be expected to disclose the identity of a confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of a record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, would disclose techniques and procedures for law enforcement investigations or prosecutions, or
- (E) would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or
- (F) could reasonably be expected to endanger the life or physical safety of any individual.”

Exemption 8 (5 U.S.C. § 552(b)(8)): protects matters that are “contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions.”

Exemption 9 (5 U.S.C. § 552(b)(9)): covers geological and geophysical information and data, including maps, concerning wells.

## **PRIVACY ACT EXEMPTIONS**

Exemption (b) (5 U.S.C. § 552a(b)): applies to information concerning other individuals which may not be released without their consent.

Exemption (d)(5) (5 U.S.C. § 552a(d)(5)): protects information compiled in reasonable anticipation of a civil action or proceeding.

Exemption (j)(2) (5 U.S.C. § 552a(j)(2)): permits law enforcement agencies to withhold information compiled for the purpose of a criminal investigation, including reports of informants and investigators, which are associated with an identifiable individual.

Exemption (k)(2) (5 U.S.C. § 552a(k)(2)): permits agencies to withhold investigatory material compiled for law enforcement purposes, other than material within the scope of Exemption (j)(2).

Exemption (k)(5) (5 U.S.C. § 552a(k)(5)): applies to investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, or access to classified information, release of which would disclose a confidential source.